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124TH MAINE STATE LEGISLATURE
LEGISLATIVE COUNCIL

To: Senator Seth A. Goodall, Senate Chair
Representative Robert S. Duchesne, House Chair
Joint Standing Committee on Natural Resources

From: *D.B.* David E. Boulter, Executive Director
Legislative Council

Date: April 8, 2010

Re: Approval of request for interim committee meetings

At its meeting on Tuesday, April 6, 2010, the Legislative Council unanimously approved the request by the Joint Standing Committee on Natural Resources to meet during the interim to study issues relating to the importation of out-of-state waste and the capacity needs of the state for the disposal of solid waste, as outlined in the committee's memo to the Legislative Council dated March 30, 2010. In addition to those issues, the Legislative Council also directed the committee to study the issue of hot mix asphalt plant emissions as they relate to public health, safety and welfare, as outlined in the attached memo from the legislative delegation for the City of Augusta. No funds are authorized to hire experts to participate in the committee's study of these issues. However, the Legislative Council encourages the committee to take advantage of the expertise of state and federal officials who may be available without cost.

The Joint Standing Committee on Natural Resources is authorized to meet a total of five (5) times during the 2010 interim to study these issues, with at least one of those meetings devoted to the hot asphalt plant emission issue. Committee meeting days must be approved in advance by the presiding officers and public notice must be given in advance of each meeting. The committee must conclude its work no later than Wednesday, November 3, 2010, and may prepare written recommendations on these issues for consideration by the joint standing committee of the Legislature having jurisdiction over natural resource matters during the First Regular Session of the 125th Legislature.

Please contact your respective presiding officer if you have any questions. Thank you.

Attachments

cc: Members, Maine Legislative Council
Patrick Norton, Director, Office of Policy and Legal Analysis

SENATE

SETH A. GOODALL, DISTRICT 19, CHAIR
DEBORAH L. SIMPSON, DISTRICT 15
DOUGLAS M. SMITH, DISTRICT 27

SUSAN Z. JOHANNESMAN, LEGISLATIVE ANALYST
MARIANNE MACMASTER, COMMITTEE CLERK



HOUSE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

March 16, 2010

The Honorable Hannah M. Pingree
Chair of the Legislative Council
The Honorable Elizabeth H. Mitchell
Vice-chair of the Legislative Council
124th Legislature
State House
Augusta, ME 04333

RE: Request to meet over the interim

Dear Madam President and Madam Speaker:

The Joint Standing Committee on Natural Resources requests to meet over the interim to continue the essential and important task of identifying and formulating potential solutions to:

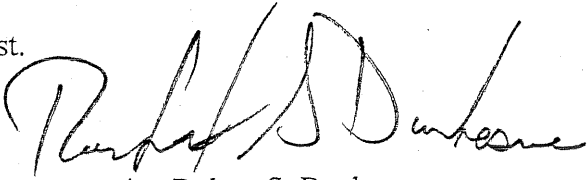
1. The legal and policy issues related to the importation of out-of-state waste; and
2. Issues related to capacity needs of the State for the disposal of solid waste.

The committee requests to meet a total of 4 times during the interim to do this work in order to thoroughly prepare a proposal to be considered during the 1st Regular Session of the 125th Legislature.

We are also requesting authorization to use up to \$5,000 from legislative accounts to retain the assistance of outside experts if needed. Please note that our request to meet is not dependent on approval of the funding request.

Thank you for your consideration of this request.


Senator Seth A. Goodall
Senate Chair


Representative Robert S. Duchesne
House Chair

c: David Boulter, Executive Director, Legislative Council
Patrick Norton, Director, Office of Policy and Legal Analysis

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

COMMITTEE ON NATURAL RESOURCES

MEMORANDUM

TO: The Honorable Hannah M. Pingree, Chair of the Legislative Council
The Honorable Elizabeth H. Mitchell, Vice-chair of the Legislative Council

FROM: Senator Seth Goodall, Senate Chair *SHG*
Representative Bob Duchesne, House Chair *RSJ*
Joint Standing Committee on Natural Resources

DATE: March 30, 2010

SUBJ: Additional details on request to meet over the interim

It is our understanding that we have been requested to provide additional details regarding our March 16th request to meet over the interim on certain solid waste management issues. We have requested to meet to continue the task of identifying and developing potential solutions to the legal and policy issues related to the importation of out-of-state waste and issues related to capacity needs of the State for the disposal of solid waste.

Our committee has been grappling with these weighty issues for several years. Although the issues have most recently come to the forefront since the State's purchase of the landfill in Old Town, the issues have been around since the 1970's when the State enacted a ban on the establishment of new or expanded commercial landfills in the State. Another factor facing us now is the limited projected capacity for the disposal of solid waste in the State.

The purpose of our meetings over the interim will be to develop policy options in response to the following questions:

1. In light of the limited projected capacity of the state-owned landfill and the existing commercial landfill, is the statutory ban on the establishment or expansion of commercial landfills still an appropriate policy for the State? Specific questions to be explored by the committee include should an existing commercial landfill be allowed to expand, within limits?

2. In addition to the capacity questions raised by the statutory ban, is it the appropriate state policy to limit competition with the state-owned landfill which some have argued in practice is a monopoly benefiting the commercial operator of the landfill?

3. Given the limited projected capacity for waste disposal in the State, are there policy options available to us to restrict or regulate the importation of out-of-state waste that are not in conflict with the Commerce Clause of the U.S. Constitution?

As noted in our March 16th request, we are requesting to meet a total of 4 times during the interim. We also requested authorization to use up to \$5,000 from legislative accounts. We are changing that request to \$2,000. Although unsure at this point as to how exactly the funding would be used, we envision the possibility of bringing experts in to discuss other states' experiences with the solid waste issues we will be reviewing.

*124th
Maine
Legislature*

3 State House Station
Augusta, ME 04333-0003
(207) 287-1540

To: Members of the Legislative Council

From: Senator Libby Mitchell, Representative Anna Blodgett, Representative Patsy Crockett, and Representative Bill Browne

Date: April 6, 2010

Re: Permission to Submit a Study Order Request to the Joint Standing Committee on Natural Resources

Dear Members of the Legislative Council,

On behalf of the City of Augusta, we, the legislative delegation for the City of Augusta, ask for consideration to allow the Joint Standing Committee on Natural Resources to study the issue of hot mix asphalt plant emissions related to public health, safety, and welfare.

There is a deep concern by residents of Augusta about the potential negative health impacts of chemical compounds released into the air by the operation of a hot mix asphalt plant. The State of Maine currently regulates the opacity of emissions from such plants, but does not regulate the chemical compound released.

Due to the potential health risk this may create and understanding that the final days of this legislative session are approaching, we are asking for permission to grant the Joint Standing Committee on Natural Resources the opportunity to investigate this matter over the summer and/or fall period at their convenience.

Enclosed with this memo is a copy of the Augusta City Council Resolve and letter from the Augusta City Manager.

We appreciate your consideration of this very important issue.



THE CITY OF AUGUSTA

ROGER J. KATZ, MAYOR

CITY COUNCIL

MICHAEL G. BYRON
EDWARD S. COFFIN
DAREK M. GRANT
CECIL E. MUNSON

MARK S. O'BRIEN
PATRICK E. PARADIS
DAVID M. ROLLINS
WILLIAM R. STOKES

WILLIAM R. BRIDGEO
CITY MANAGER

April 2, 2010

Honorable Elizabeth Mitchell
President
Maine State Senate
2 State House Station
Augusta, Maine 04333-0002

Dear Senator Mitchell,

Last night, the City Council unanimously adopted the enclosed resolve. It seeks the assistance of the Augusta delegation in causing the Legislature "to investigate the need for additional air quality standards related to the chemical composition and odor from hot mix asphalt plant stack emissions adjacent to residential uses, to ensure adequate public health, safety and welfare".

I know that you and the other members of our delegation have followed closely and been very concerned over the neighborhood issues associated with mineral extraction and related activities. The City Council has worked hard to address many of those issues, also. The matter related to this particular resolve is, however, beyond the scope of authority and resources of city government and thus the need to seek State assistance.

Thank you for your attention to this matter.

Sincerely,

William R. Bridgeo
City Manager

C: Mayor and Council
Legislative Delegation



*City Council
of the
City of Augusta, Maine*

April 1, 2010

**Title: Resolve – Request for State Legislative Delegation to Investigate
Hot Mix Asphalt Plant Stack Emission Impact on Public Health**

WHEREAS, In Augusta there are locations where hot mix asphalt plants and residences exist in close proximity to each other, and

WHEREAS, Residents have expressed concerns to the Augusta City Council about the potential negative health impacts of chemical compounds released into the air as a result of the operation of hot mix asphalt plants; and

WHEREAS, The State of Maine currently regulates only opacity with regard to hot mix asphalt plant stack emissions and does not regulate the chemical compounds released from the stack; and

WHEREAS, Other States place additional testing requirements on hot mix asphalt plant emissions for chemical compounds with known health effects;

NOW THEREFORE BE IT RESOLVED, That the Augusta City Council requests that the State Legislative delegation make efforts to cause the Maine State Legislature to investigate the need for additional air quality standards related to the chemical composition and odor from hot mix asphalt plant stack emissions adjacent to residential uses, to ensure adequate public health, safety, and welfare.

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Introduced by:

Moved By:

Sec'd By:
